

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Treasuries and Accounts Department – Illegal gathering of employees of Branch.I in Directorate premises and provocative speeches – Departmental proceedings against Sri A. Appa Rao, Accounts Officer, O/o the Joint Director (AH), Veterinary Biological Research Institute, Hyderabad – Imposed punishment - Stoppage of increment – Modification of punishment as CENSURE – Orders – Issued.

FINANCE (ADMN.I. VIG.) DEPARTMENT

G.O.Rt.No. 342

Dated: 02.02.2012.
Read the following:

- 1) DTA`s Memo.No.K.II(8)/4156/A/DEM/2009-2 dated 24.3.2009
- 2) Representation of Sri A. Appa Rao, Accounts Officer, O/o JD (AH), VBRI, Hyd. Dated 2.5.2009
- 3) DTA`s Memo.No.K.II(8)/4156/A/D/2009 dated 16.7.2009
- 4) Representation of Sri A. Appa Rao, Accounts Officer, O/o JD (AH), VBRI, Hyd dated 5.8.2009
- 5) DTA`s Memo.No.K.II(8)/4156/A/D/2009 dated 5.10.2009 final show cause notice
- 6) Explanation of Sri A. Appa Rao, Accounts Officer, O/o JD (AH), VBRI, Hyd dated 19.10.2009.
- 7) DTA Letter No. K.II(8)/4156/D/2009, dated:21-10-2009.
- 8) Individual reply dated.05-11-2009.
- 9) Punishment of DTA's Proceedings No. K.II(8)/4156/D/2009, dated.01-10-2010.
- 10) Govt. Memo No. 2392/422/A2/Admn.I/2010,dated:30.10.2010 to DTA
- 11) Remarks of DTA on the appeal petition of the Sri A.Appa Rao, A.O. (Retd). Dated:09-05-2011

ORDER:

In the reference 1st read above, the Director of Treasuries and Accounts, A.P. Hyderabad issued memo to Sri A. Appa Rao, Accounts Officer O/o the Joint Director (AH), Veterinary Biological Research Institute, Hyderabad in which he mentioned that it has come to his notice that Sri A.Appa Rao, had addressed a gathering of the employees of the Reconstituted Branch-I of Treasuries & Accounts Department in the premises of the Directorate, located in APGLI Building at Tilak Road, Abids, Hyderabad in between 1.00 pm to 3.00 pm on 12.3.2009 and made certain provocative comments against the administration of the Department. This act of the said Sri A.Appa Rao, Accounts Officer is in contravention of Rule 17 and Rule 3 of A.P. C.S (Conduct) Rules 1964. He should not have participated in a such a demonstration and addressed such a gathering without seeking permission of the DTA or without prior notice. Therefore, he was directed to submit his explanation within ten (10) days from the date of receipt of the memo, as to why suitable action should not be taken against him for his above said unbecoming acts.

2. In the reference 2nd read above, the individual addressing the DTA requested to drop further action on such that he had not made any provocative comments inciting the feelings of the employees gathered in the meeting and gathering was organized in a peaceful and democratic manner by the Association on the issue of the ratio which is being maintained for promotion to the post of AAO/ATOs between JAO/STOs. In fact the employees of the

Accounts Branches were agitating and there was unrest that the ratio maintained for promotion to the posts of AAO/ATOs was proposed to be revised in favour of the Treasury wing of the T&A Department. As a responsible office Bearer of the A.P.T&A (Gaz.) Service Association, he explained to the gathering about the efforts taken up by the Association to maintain status quo on the proposed revision of ratio. There were other minor demands also on which the gathering was assured that the Association will take necessary steps to represent to the higher authorities. In view of the above, he stated that it was totally untrue to say that he has made provocative comments against the authorities of the department inciting the feelings of the employees. Therefore, he requested to drop further action in the matter.

3. After receipt of his explanation vide reference 3rd read above, the Director of Treasuries and Accounts, A.P. Hyderabad stated that the Account Branches Non-Gazetted Employees Association is not a Service Association recognized by the Government under the provisions of APCS (Recognition of Service Association) Rules and it is not authorized to undertake such a demonstration. Hence, the action of Sri A. Appa Rao, AO is in contravention of Rule 4 of APCS (Conduct) Rules 1964 and amenable for action under APCS (CC&A) Rules, 1991. Therefore, the said Sri A. Appa Rao, A.O was provided with an opportunity under Rule 22 of APCS (CC&A) Rules 1991.

4. In the reference 4th read above, the individual has stated that the observations made by the DTA in his Memo. are not correct and are self contradictory and imaginative for the following reasons.

- a) He did not preside over the meeting
- b) He was a silent spectator and when he was called to speak on the occasion he has expressed the views in the general interest of the employees without naming individuals and requested the Director to maintain status quo till the matter was amicably settled.
- c) The actual words that appeared to the Director as inciting abusive, uncalled for were not stated in the charge sheet
- d) The names of the speakers who used these words were not mentioned in the charge sheet.
- e) The officers who were abused were not named in the charge sheet.
- f) The copy of the complaint, preliminary enquiry report statements of witnesses, names of witnesses have not been mentioned in the charge sheet.

Further he requested to conduct an impartial inquiry with an independent Officer preferably from other than Finance, Treasuries and Accounts Department as the entire proceedings are aimed at the Association functionaries. He requested to call the Association representatives and have an amicable settlement on the issues mentioned by him, instead of resolving through these memos, which are not at all helpful for a good employee – employer relation.

5. In the reference 5th cited, the DTA gave an opportunity to the individual to view the said evidence of video clippings of the incidents that have taken place at the demonstration on 12.3.2009 on any working day in the chambers of Additional Director O/o the DTA before proposed action against Sri A. Appa Rao, AO, O/o JD, VBRI, Hyderabad, failing which it will be construed that he is not interested to view the said evidence and further action as deemed fit will be taken as per rules.

6. In the reference 6th read above, the individual has stated that the Treasuries and Accounts employees have a right to assemble and express when the Director of Treasuries and Accounts has recommended to the Government changes in the policy of promotion affecting the interests of the employees. A.P. Accounts Branches NGOs Association organized the meeting. He as General Secretary, Sri Basha, as Organising Secretary and others along with a number of officers attended the meeting. On the invitation of the organizers, they suggested to the employees to discuss with authorities and simultaneously requested the Director to call the representatives and settle the issue peacefully to bring normalcy in the Department. Further stated that the Director of Treasuries and Accounts has decided to change the promotion policy which has been in existence for decades from the cadres of JAO/STO to the cadres of AAO/ATO. There was a lot of difference in the recruitment qualifications of JAO and STO. There was a lot of difference in the stagnation in each cadre. There was lot of difference in the nature of duties and responsibilities. Hence they suggested a detailed study before any changes are proposed. Instead, the Director chose to change the policy for reasons best known to him and none else. Hence the employees gathered peacefully opposite the APGLI 6 storied building to discuss on 12.3.2009 during lunch hour requesting not to disturb the ratio in the promotion of JAOs/STOs to the cadre of AAOs/ATOs and to have counselling at the time of promotion and transfers in a most peaceful and democratic manner without disturbing any ingress and egress to the building or to the work of the Govt. In fact it was the administration that was responsible for the demonstrations by proposing to disturb the existing practices without entering into an agreement with the employees. Hence he requested the DTA to call the Association representatives and have an amicable settlement on the issues mentioned as it would be helpful for a good employee-employer relation.

7. In the reference 7th read above, the DTA has provided an opportunity to Sri A.Appa Rao, Accounts Officer, O/o the Joint Director AH(VBRI) Hyderabad to appear before the DTA on 30.10.2009 to peruse/view the video clipping taken on record as evidence in this matter.

8. In the reference 8th cited, the individual has requested the DTA to enquire the whole thing through a person of other than Finance and Treasuries & Accounts Departments and then inflict any punishment.

9. In the reference 9th read above, the DTA, after taking into consideration of matter and in exercise of the powers conferred under sub-rule (4) of Rule 11 read with clause (iv) of Rule 9 of A.P.C.S (CC&A) Rules, 1991, ordered a punishment of stoppage of his next annual grade increment for a period of one year without cumulative effect.

10. In the reference 10th read above, Govt. have directed the DTA to examine the appeal petition of Sri A.Appa Rao, and furnish his remarks in the matter to take further action in the matter.

11. In the reference 11th read above, DTA has forwarded the representation of the individual and in his appeal petition the individual has stated that the alleged meeting was convened by AP. Accounts Branches Non Gazetted Employees Association, a registered Association which has been functioning from 1974, and has been convening meetings innumerable times. In all these several meetings, none, from the Association, is punished and the General Secretary of the Association who convened the said meeting was also promoted. Hence, as he is on the verge of drawing his last increment on 1.11.2010, he requested the Appellate Authority to pass orders quashing the punishment orders immediately and pending disposal of the appeal the punishment orders be stayed forthwith to enable him to draw his regular increment on 1.11.2010.

12. The Government after careful consideration of the grounds in the appeal petition which is received within stipulated time of 3 months as per Rule 31 APCS (CC&A) Rules 1991 and taking a lenient view, ordered that the punishment in stoppage of one annual grade increment without cumulative effect issued through the ref. 7th cited, is modified as CENSURE to Sri A. Appa Rao, Accounts Officer O/o the Joint Director, (AH) Veterinary Biological Research Institute, Hyderabad as per Rule 36 of A.P.C.S. (CC&A) Rules, 1991.

13. The Director of Treasuries and Accounts, A.P. Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.V.RAMESH

PRINCIPAL SECRETARY TO GOVERNMENT (FP) i/c

TO:

The individual through the Director of Treasureis and Accounts, A.P. Hyd.

The Director of Treasuries and Accounts, A.P. Hyderabad.

The Joint Director (AH), VBRI, Andhra Pradesh, Hyderabad

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER